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FROM U.S. MISSION TO THE U.N. AGENCIES IN ROME

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SUBJECT: 28-th Session of the FAO/WHO Codex Alimentarius
Commission, 4-9 July 2005 in Rome, Italy

Summary

1. The 28-th Session of the Codex Alimentarius Commission (CAC) was held 4-9 July 2005, in Rome, Italy. The Session was well attended with 513 representatives from 122 member countries, and 40 international intergovernmental and non-governmental organizations.

2. Members of the United States delegation were generally pleased with the overall outcome of the 28-th Session. The decision of the CAC on a few key issues was the best achievable result given the complex and difficult nature of many of the issues coming before the Commission and the wide diversity of views held by member countries. Of the original 11 issues placed on the "Top 10" list, the outcome on 10 items was consistent with the U.S. position. End Summary.

3. The following are key outcomes from the 28th Session of the CAC:

Election of Officers

4. Up for election were the Codex Chairperson and all three Vice-Chairpersons. The Commission unanimously elected Dr. Claude Mosha of Tanzania as Chairperson. Dr. Karen Hulebak, Chief Scientist for the USDA Food Safety and Inspection Service and Chairperson of the Codex Committee on Food Hygiene was elected as a Vice-Chairperson of the CAC. Also elected as Vice-Chairpersons were Mr. Wim Van Eck of the Netherlands and Ms. Noriani Othman of Malaysia.

Adoption of Standards

5. The Commission adopted more than twenty-five (25) new standards relating to food additives, pesticide residues, veterinary drug residues, food hygiene, methods of analysis and sampling, food import and export inspection and certification and new commodity standards. Many of these (e.g., pesticide residues, food additives, veterinary drugs) include multiple maximum residue limits or maximum permitted usage levels. The CAC also adopted more than 20 standards at the initial review stage (Step 5 of the 8 Step Codex standards adoption process). The Commission approved seventeen (17) new work items and agreed to withdraw 15 old standards now considered outdated because of the newly approved standards. The CAC discontinued work on 4 standards. Details on certain key standards are given below.

Rules-Based Decision Making/Parmesan

6. Outreach on this issue by the participants in the July 2 workshop generated extraordinary support for the U.S. position among developing countries, but the EU Commission dug in its heels to block the consensus forming around the proposal to begin work on a generic standard for parmesan. EU opposition was driven by its concerns related to intellectual property issues surrounding use of geographic indications in the EU. Energetic debate led the chair to suggest returning the proposal to the Committee on Milk and Milk Products without decision, but the delegate from Singapore called for a vote. He agreed to delay the vote until interested parties had a chance to seek compromise language. After two lengthy sessions it was clear that the EU was not prepared to be flexible on the key issue. Singapore then agreed to withdraw its call for a vote

only on the condition that the issue be tabled; there were no objections. Any member can ask to place this item on the agenda for a future CAC meeting, but presumably only after finding a way around the impasse prior to the meeting.

Changes to Codex Rules and Procedures

17. The Commission agreed to enlarge the Codex

Executive Committee to include Regional Representatives as full members of the Committee. Additionally, the mandate of the Executive Committee was expanded to include, among other new duties, the standards management function for Codex. Additionally the Commission: amended the Rules of Procedure to clarify the process for the selection of observers; removed procedures for the acceptance of Codex standards by countries recognizing that the acceptance procedure has been replaced by the WTO notification process; adopted revised principles concerning the participation of international non-governmental organizations; and adopted criteria for the approval of new work and criteria for the operation of electronic and physical working groups.

Review of Committee Structures and Mandates

18. The Commission reviewed 20 recommendations resulting from a review of the structure and mandates of Codex committees and task forces. The CAC endorsed recommendations relating to work prioritization, increasing work to be done by correspondence, time limits for work and making maximum use of working groups. The Commission also recommended that the Codex Committee on Food Additives and Contaminants be split into two separate committees (one dealing solely with additives, the other with contaminants) and that the Codex General Standard for Food Additives (GSFA) should be the single authoritative reference point for food additives. The CAC agreed with the recommendations for improved self-management of committees and a regular informal meeting of the Chairs of Codex committees and Task Forces. The CAC did not agree to the establishment of a new commodities standards management committee or removing the capability of Codex Regional Committees to draft regional standards. The Commission did not take a position on reviewing its remit with respect to the implications of the WTO SPS and TBT Agreements. Additionally, the Commission agreed that further study was needed with respect to the status of Codex commodity committees, the role of nutrition in Codex, and the need to clearly establish demarcation lines between the work of Codex and the work of other international standards setting bodies.

Antimicrobial Resistance

19. The CAC agreed in principle to establishing a Codex Task Force to address the issue of antimicrobial resistance and accepted the invitation of the Republic of Korea to host the Task Force should it be established. The CAC agreed to issue a Codex Circular Letter to request input from countries on a draft paper covering the potential purpose, scope and specific activities of the Task Force. The CAC is expected to make a final decision on the establishment of a Task Force on antimicrobial resistance at its 2006 Session.

Animal Feeding

10. The Commission did not agree to re-establish the Task Force on Animal Feeding but agreed to further discuss the issue and possible work items, deferring any decision on the subject to the next (2006) session of the Task Force.

Other Key Standards

11. On other key standards the Commission:
- Adopted the Guidelines for Vitamin and Minerals.
 - Adopted the proposed maximum level of cadmium in rice at 0.4 parts per million (ppm), agreeing with the findings of the FAO/WHO Joint Expert Committee on Food Additives and Contaminants (JECFA).
 - Adopted the Code of Practice for the Prevention and Reduction of Aflatoxin Contamination in Tree Nuts.
 - Adopted the Codex General Standard for Fruit Juices and Nectars.
 - Returned the Amendments on Quantitative Ingredient

Declaration (QUID) to the Codex General Standard on the Labeling of Pre-packaged Foods to Step 3, agreeing that there remained too many provisions on which consensus had not been reached.

U.S. Codex Workshop

12. On July 2, the United States hosted a workshop to discuss major issues of concern. Brazil, Argentina, Chile, Costa Rica, Mexico, Antigua and Barbuda, Botswana, Uganda, Egypt, Ghana, El Salvador, Uruguay, Armenia, Romania, Japan, Thailand, Canada, Australia and New Zealand also participated. In particular, the U.S. and Chilean presentations on rule-based decision making within CODEX generated a great deal of discussion. The focus was on instances in which interested parties had blocked decisions within CAC despite overwhelming evidence that existing CODEX criteria for action had been met. Case studies were presented on parmesan cheese and sardines; cadmium maximum residue levels were also raised as an example. At the suggestion of some of the developing countries, the workshop concluded by drafting talking points to be used with other interested parties. This outreach was extremely successful, and led to a very active discussion on parmesan cheese in the CAC meetings two days later. Other significant issues discussed at the workshop were the proposed changes to CODEX committee structure and mandates, and an exchange of ideas on work for the biotech task force. Cleverley

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